

IN SENATE OF THE UNITED STATES.

JUNE 28, 1848.

Submitted, and ordered to be printed.

Mr. MASON made the following

REPORT:

[To accompany bill S. No. 298.]

*The Committee of Claims, to whom was referred the "petition of George Poindexter, praying remuneration for injury done to his property while occupied by the United States volunteers for Mexico," have had the same under consideration and report:*

It appears in evidence that Oaklands, a property of great value near Louisville, Kentucky, belonging to the petitioner, was occupied, without his consent and contrary to his express orders to his tenant, by the volunteers from that State mustered into service for the war in Mexico. Also, that it was agreed by the quartermaster in camp that the United States would pay for any injury which the property might sustain, owing to the occupation of the premises by the troops; that the petitioner being satisfied by these assurances, suffered the troops to remain, with the understanding that the amount of damage should be ascertained by persons mutually chosen by the petitioner and the quartermaster; that after the encampment was broken up, the petitioner appointed three gentlemen of great respectability to examine the premises and estimate the sum that would be required to restore the premises to the condition in which they were previously to the occupation, of which the quartermaster was duly notified, with the request that he would name the referees on the part of the government; which he, however, failed to do. Two of the three persons named by the petitioner, the third being sick, proceeded to make an award; and, after thorough examination, estimated the damage sustained at fifteen hundred dollars. A copy of this award was sent to the United States quartermaster, who, after examination, approved it and stated that it was not only reasonable, but below the amount which should have been allowed. Application having been made at the War Department for payment, an answer was received that inasmuch as the claim was rather for damages than for the use and occupation of the premises, it could not be allowed without an act of Congress authorizing it.

The committee not being entirely satisfied with the apparently *ex parte* character of the award, deem it proper to refer the accounts to the quartermaster general, to ascertain a fair and reasonable allowance, as well for rent while the premises were occupied by the troops, as for injury that resulted from the occupation thereof by the said troops.

The committee, therefore, recommend the passage of the accompanying bill.

## REPORT